

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2767 of 2019

Arising Out of PS. Case No.-182 Year-2018 Thana- MADHUBAN District-
East Champaran

- =====
1. Umesh Kumar Sah aged about 50 years, Male, son of Late Punit Sah
 2. Praduman Kumar @ Pradhuma Kumar aged about 30 years, son of Umesh Kumar Sah
 3. Devraj Kumar aged about 28 years (M), son of Umesh Kumar Sah
 4. Gautam Kumar aged about 26 years (M) son of Umesh Kumar Sah
 5. Kartik Kumar aged about 22 years (M), son of Umesh Kumar Sah
- all residents of Village- Saraiya, P.S. Madhuban, District- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Madhuban P.S. Case No. 182 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. Prior to the present case, Madhuban P.S. Case No. 341 of 2015 had been lodged by Madhuri Devi, wife of petitioner no. 1. All injuries are simple in



nature save and except one injury said to have been sustained by Gumma Devi which is of grievous nature and attributed to the assault by petitioner no. 2- Praduman Kumar.

4. Considering that the injury of Gumma Devi discloses one grievous injury attributed to the assault of Praduman Kumar- petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no. 2. The anticipatory bail of petitioner no. 2, namely, Praduman Kumar @ Pradhuma Kumar stands dismissed.

5. Be that as it may, as regards the petitioner nos. 1, 3, 4, 5 namely, Umesh Kumar Sah, Devraj Kumar, Gautam Kumar and Kartik Kumar, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Maduban P.S. Case No. 182 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.



(iii) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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